

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS

FILED

AUSTIN DIVISION

NOV 30 2000

U.S. DISTRICT COURT
CLERK'S OFFICE
BY _____ DEPUTY

CIVIL NO. A-00-CA-507 JN

MICHAEL BADER

VS.

THE UNIVERSITY OF TEXAS

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ORDER

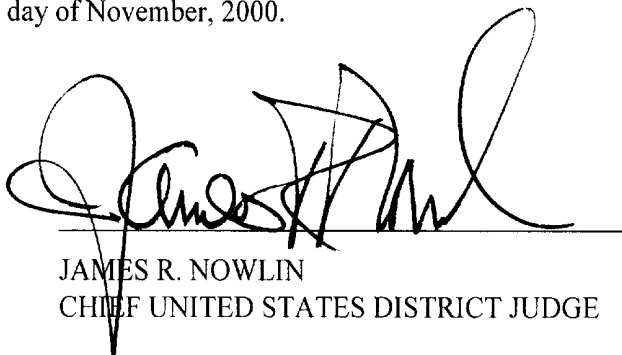
Before the Court is the Defendant's Motion to Dismiss (Clerk's Doc. No. 8) filed November 13, 2000 and Plaintiff's Original Petition (Clerk's Doc. No. 5) filed October 16, 2000. Upon review of these documents and the applicable legal authorities, the Court enters the following Order.

Plaintiff filed this suit against the Defendant based on 42 U.S.C. § 1983. The Defendant has moved for a dismissal of this suit pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure. In support of this Motion, the Defendant asserts that it is entitled to Eleventh Amendment immunity from suit in federal court and that no exception to the Eleventh Amendment applies. The Defendant is correct in this assertion. *See Puerto Rico Aqueduct and Sewer Authority v. Metcalf & Eddy, Inc.*, 113 S. Ct. 684, 687 (1993).

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Defendants' Motion to Dismiss (Clerk's Doc. No. 8) is hereby GRANTED. All claims against Defendant The University of Texas are DISMISSED WITHOUT PREJUDICE.

FURTHER, IT IS ORDERED that this cause of action is CLOSED and all pending motions are DENIED AS MOOT.

SIGNED AND ENTERED this 30th day of November, 2000.



JAMES R. NOWLIN
CHIEF UNITED STATES DISTRICT JUDGE

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